UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,241	08/17/2001	Doug Rollins	500964.01	4822

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EXAMINER
SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
2144	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
		09/932,241	ROLLINS, DOUG
Office Action Summary		Examiner	Art Unit	
		Peling A. Shaw	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2007*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10,16-20,22-33 and 37-46* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-10, 16-20, 22-33 and 37-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Amendment received on 01/25/2007 has been entered into record. Claims 1, 16, 25, 27-

28 and 37 are amended. Claims 34-36 are cancelled. Claims 1-6, 8-10, 16-20, 22-33 and 37-46

are currently pending.

2.   Amendment received on 04/25/2006 was entered into record. Claims 1 and 16 were

amended. Claims 7, 11-15 and 21 were cancelled.

Priority

3.   This application has no priority claim made. The filing date is 08/17/2001.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject matter
> sought to be patented and the prior art are such that the subject matter as a whole would have
> been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

Claims 1-2, 4-6, 8-10, 16, 18-20, 22--26, 28-32, 37 and 39-46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Rive (US 6301666 B1), hereinafter referred as

Rive, in view of Largman et al. (US 20020188887 A1), hereinafter referred as Largman.

   a. Regarding to claim 1, Rive shows a network computer system, comprising: a

       processor; a memory device coupled to the processor, the memory device containing

       an embedded operating system that is executed by the processor (Fig. 4 and 14;

       column 4, lines 4-12: operating systems, partition, hard disk, FDISK); a network

       communication circuit coupled to the processor; the network communication circuit

being adapted to allow the processor to communicate over a computer network with computer resources coupled to the network (Fig. 4, 13 and 14: network interface device, network, internet); and a mass storage device coupled to the processor, the mass storage device having a first partition for storing user preference data and a second partition for storing user file data that may be accessed by the processor (Fig. 3, 4, 14: storage device, drive unit; column 5, lines 26-43: registry contains certain preferences for user; column 6, lines 1-33: operating system software, application software, user access registry, profile, supporting partition; column 7, lines 47-67: user preference, configuration, user documents, spreadsheet). Rive does not show a user preferences reset device and a user file data reset device coupled to the mass storage device, the user preferences reset device operable to reset at least some of the user preferences data independently of resetting user file data when activated and the user file data reset device operable to reset at least some of the user file data independently of resetting user preference data when activated.

b. Largman shows a user preferences reset device and a user file data reset device coupled to the mass storage device, the user preferences reset device operable to reset at least some of the user preferences data independently of resetting user file data when activated and the user file data reset device operable to reset at least some of the user file data independently of resetting user preference data when activated (paragraphs 2 and 21: switch on and off to rest hardware and software settings, including storage device; paragraphs 10 and 131: separate and independent setup) in an analogous art for the purpose of computer with switchable components.

c. It would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to modify Rive's functions of providing multiple configurations

for different user with Largman's functions of being able to repair (reset) software

system per different user setup.

d. The modification would have been obvious because one of ordinary skill in the art

would have been motivated to be able to repair multi-user system per Largman's

teaching (paragraph 2) as providing system for multiple users per Rive and

Largman's teaching (column 1, lines 55-65).

e. Regarding claim 2, Rive shows wherein the network communication circuit

comprises a broadband communications device (column 8, lines 28-51: digital

subscriber loop).

f. Regarding claim 4, Rive shows wherein the broadband communications device

comprises a DSL modem (column 8, lines 28-51: digital subscriber loop).

g. Regarding claim 5, Rive shows wherein the mass storage device comprises a hard

disk (column 3, lines 21-51: hard drive).

h. Regarding claim 6, Rive shows wherein the hard disk comprises a user preferences

partition and a user file data partition that store associated user preference data and

user file data, respectively, with the data in each partition being capable of being set

to desired values independently of the data in the other partition (Fig. 4, 14: storage

device, drive unit; column 6, lines 1-33: operating system software, application

software, user access registry, profile, supporting partition; column 7, lines 47-67:

user preference, configuration, user documents, spreadsheet).

i. Regarding claim 8, Largman shows wherein the embedded operating system includes system parameters having associated default values, at least some the default values being adjustable, and the memory device comprises a reset device for resetting the system parameters to the default values (paragraph 287: setup for multiple user).

j. Regarding claim 9, Largman shows wherein the memory device comprises a FLASH memory device (paragraph 34: flash ROM chip).

k. Regarding claim 10, Rive shows wherein the processor comprises a microprocessor and associated support components, and includes a user input and a user output device Fig. 14: input device, cursor control device, video display.

l. Claims 16, 18-20 and 22-24 are of the same scope as claims 1-2, 4-6 and 8-10. These are rejected for the same reasons as for claims 1-2, 4-6 and 8-10.

m. Claims 25-26, 28-29 and 31-32 are of the same scope as claims 1-2, 4-6 and 8-10. These are rejected for the same reasons as for claims 1-2, 4-6 and 8-10.

n. Regarding claim 30, Largman shows wherein each of the first, second, and third reset devices comprises a switch having an actuator that is adapted to be activated in response to a physical action of a user (paragraph 2: a switch, push a button, or speak a command).

o. Claims 37 and 39-43 are of the same scope as claims 1-2, 4-6, 8-10 and 30. These are rejected for the same reasons as for claims 1-2, 4-6, 8-10 and 30.

p. Claims 44-46 are of the same scope as claims 1-2, 6, 8 and 30. These are rejected for the same reasons as for claims 1-2, 6, 8 and 30.

Together Rive and Largman disclosed all limitations of claims 1-2, 4-6, 8-10, 16, 18-20, 22-- 26, 28-32, 37 and 39-46. Claims 1-2, 4-6, 8-10, 16, 18-20, 22--26, 28-32, 37 and 39-46 are rejected under 35 U.S.C. 103(a).

5.   Claims 3, 17, 27, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rive (US 6301666 B1), hereinafter referred as Rive, in view of Largman et al. (US 20020188887 A1), hereinafter referred as Largman, and Puente et al. (US 20030033606 A1) , hereinafter referred as Puente.

> a. Rive and Largman show claims 1-2, 16, 25-26 and 37 as above. Neither Rive nor Largman show (claim 3) wherein the broadband communications device comprises a cable modem.
>
> b. Puente shows wherein the broadband communications device comprises a cable modem (paragraphs 4 and 39: cable, internet and modem) in an analogous art for the purpose of streaming media publishing.
>
> c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Rive's functions of providing multiple configurations for different user with Largman's functions of being able to repair (reset) software system per different user setup and Puente's functions of using modem to transmit data and video for cable operators.
>
> d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to be able to repair multi-user system per Largman's teaching (paragraph 2) as providing system for multiple users per Rive, Largman's (column 1, lines 55-65) and Puente (paragraph 2)'s teaching.

e. Claims 17, 27 and 38 are of the same scope as claim 3. These are rejected for the same reasons as for claim 3.

f. Regarding claim 33, Puente shows wherein the memory device contains a router program that is executed by the processor to operate the network computer in a Web-caching mode of operation, and the network communication circuit is adapted to allow the processor to communicate over a second computer network, the processor executing the router program to cache files on the mass storage device and provide users coupled to the second computer network with selected cached files responsive to user requests for the selected files (paragraph 10: web cache server for interest access).

Together Rive, Largman and Puente disclosed all limitations of claims 3, 17, 27, 33 and 38. Claims 3, 17, 27, 33 and 38 are rejected under 35 U.S.C. 103(a).

Response to Arguments

6.   Applicant's arguments filed on 01/25/2007 have been fully considered, but they are not

persuasive.

      a. Applicant has amended the claim language with the limitation of "having a first

        partition for storing user preference data and a second partition for storing user file

        data" and has alleged that the previous applied prior arts in office action dated

        07/21/2006 do not have the limitation. Examiner has reviewed the amended claim

        change in light of applicant's original specification and claim language. Examiner has

        further reviewed the claim rejection sections of the office action and the applied prior

        arts, e.g. Rive and Largman. Examiner has searched and found in Rive the amended

        claim change. The above claim rejection sections are updated with the amended claim

        change and additional cited prior art references.

      b. Applicant has further amended the claim language with the limitation of "reset at

        least some of the user preferences data independently of resetting user file data when

        activated and the user file data reset device operable to reset at least some of the user

        file data independently of resetting user preference data when activated" and argues

        that Largman application does not describing switching between partitions within a

        hard drive. Examiner has reviewed the claim rejections in the previous office action

        dated 07/21/2006 and the cited Largman references. Examiner has further updated the

        amended claim change with additional references from Largman in the above clam

        rejection section. Largman has shown (paragraphs 31-42) partitioning hard drive for

        all kinds of purpose including backup of user's data; and (paragraph 21) switching

different partition to rest hardware and software settings. Thus the combinatory of

Rive and Largman does have the above alleged limitations.

c. Applicant's arguments include the failure of previously applied art to expressly

disclose, "simplifying said policy rules at least to remove duplicate policy rules and to

form simplified policy rules (See Response, Paper#7, page 8). It is evident from the

detailed mappings found in the above rejection(s) that Gai-Corl and Flint disclosed

this functionality [see Corl, Col. 10, lines 21-33 and Col. 12, lines 36-51). Further, it

is clear from the numerous teachings (previously and currently cited) that the

provision for "simplifying said policy rules at least to remove duplicate policy rules

and to form simplified policy rules", was widely implemented in the networking art.

Thus, Applicant's arguments drawn toward distinction of the claimed invention and

the prior art teachings on this point are not considered persuasive.

d. It is the Examiner's position that Applicant has not submitted claims drawn to

limitations, which define the operation and apparatus of Applicant's disclosed

invention in manner, which distinguishes over the prior art. As it is Applicant's right

to claim as broadly as possible their invention, it is also the Examiner's right to

interpret the claim language as broadly as possible. It is the Examiner's position that

the detailed functionality that allows for Applicant's invention to overcome the prior

art used in the rejection, fails to differentiate in detail how these features of

applicant's specification are unique (see items a-d in section 4). Rive and Largman

has shown the general art of switching on/off partition of hardware/software system

for resetting or restoring system configuration or date. It is clear that Applicant must

be able to submit claim language to distinguish over the prior arts used in the above

rejection sections that discloses distinctive features of Applicant's claimed invention.

It is suggested that Applicant compare the original specification and claim language

with the cited prior art used in the rejection section above or the Remark section

below to draw an amended claim set to further the prosecution.

e. Failure for Applicant to narrow the definition/scope of the claims and supply

arguments commensurate in scope with the claims implies the Applicant's intent to

broaden claimed invention. Examiner interprets the claim language in a scope

parallel to the Applicant in the response. Examiner reiterates the need for the

Applicant to more clearly and distinctly define the claimed invention.

Remarks

7.   The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

   a. Bruckert et al. (US 5251227 A) Targeted resets in a data processor including a trace memory to store transactions

   b. Falik et al. (US 6065078 A) Multi-processor element provided with hardware for software debugging

   c. Mancusi et al. (US 6418481 B1) Reconfigurable matrix switch for managing the physical layer of local area network

   d. Gold et al. (US 20020053044 A1) Self-repairing operating system for computer entities

   e. Gold (US 20020053047 A1) Managing disk drive replacements on mulitidisk headless appliances

Conclusion

8.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action is not mailed until after the end

of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The

examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the statu9s of an application may be obtained from the Patent

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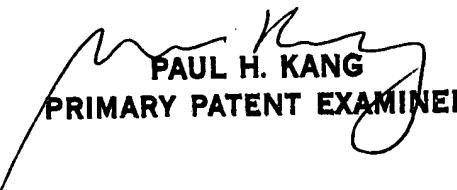
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PRIMARY PATENT EXAMINER